

REMARKS

By the present Amendment, claims 1-11 are cancelled and claims 12-27 are added to clarify the claims. This leaves claims 12-27 pending in the application, with claims 12 and 26 being independent.

Objection to Drawings

To obviate the objection to the drawings under 37 C.F.R. § 1.84(p)(4), submitted herewith is a corrected drawing changing "17" to --17a-- in Figure 3, thereby eliminating the duplicative use of reference character "17".

Substitute Specification

The specification is revised to eliminate the noted objection and grammatical and idiomatic errors in the originally presented specification, and to add an Abstract of the Disclosure. The number and nature of the changes made in the specification would render it difficult to consider the case and to arrange the papers for printing or copying. Thus, the substitute specification will facilitate processing of the application. The substitute specification includes no "new matter". Pursuant to M.P.E.P. § 608.01(q), voluntarily filed, substitute specifications under these circumstances should normally be accepted. A marked-up copy of the original specification is appended hereto.

Claim Objections and Rejections Under 35 U.S.C. § 112, Second Paragraph

Original claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims have been rewritten to avoid each of the objections raised in the Office Action. All terminology is clear. The terminology alleged to be unclear is omitted or revised.

Accordingly, the pending claims are definite and comply with the requirements of 35 U.S.C. § 112.

Rejections Under 35 U.S.C. §§ 102 and 103

Claim 12 covers a method of producing a foam element 1 comprising placing a fleece with a ferromagnetic coating thereon facing and engaging a wall of a foam mold. The coating extends across the entire surface of the fleece facing the foam mold wall. A magnetic field is produced and cooperates with the ferromagnetic coating to hold detachably the fleece in position on the wall of the foam mold. The foam element is molded in the foam mold with the fleece on the mold wall. The foam mold element is removed from the foam mold with the fleece embedded into a surface of the foam element as a barrier layer.

By forming the foam element in this manner, an efficient and effective production procedure is provided and an improved product is obtained. The ferromagnetic coating securely holds the fleece in place detachably in the mold, while the fleece forms a permanent connection with the molded body. Also, the fleece with its ferromagnetic coating provides a protective barrier layer on the foam element.

Original claims 1 and 11 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,784,890 to Black. The Black patent is cited for a method for producing a foam

element with an attachment, where the attachment includes a ferromagnetic coating. Temporary attachment layer 23 is apparently cited for its use of a binder to adhere ferromagnetic granules coated on or disbursed in a flexible support layer. The attachment layer is formed in two longitudinally extending strips 24 extending along the opposite sides of the backing strip 12 of fastener assembly 10. The strips forming attachment layer 23 are parallel extensions which do not extend across the entire width or surface of fastener 10.

Claims 1-7, 9 and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over the alleged admitted prior art appearing on page 1 of the specification in view of the Black patent, U.S. Patent No. 3,759,644 to Ladney and U.S. Patent No. 5,725,928 to Kenney. The alleged admitted prior art is relied upon for disclosing a foaming process having a barrier layer placed on the surface of the mold. The Black, Ladney and Kenney patents are each cited for the use of ferromagnetic coatings to interact with magnets for securing attachments in place in a foaming process. In support of the objection, it is alleged that it would be obvious to provide a ferromagnetic coating in the allegedly admitted known process in view of the Black, Ladney and Kenney patents.

Claim 12 is patentably distinguishable over the cited patents, as well as the alleged admitted prior art in the specification, by the barrier layer being formed by a fleece with a ferromagnetic coating on the entire surface of the fleece facing the wall of the foam mold. None of the cited patents nor the allegedly admitted prior art discloses this feature.

The Black patent merely discloses the use of temporary layers 23 on the surface of the fastener which are spaced from and not lying against the mold. Thus, the Black patent fails to

disclose the ferromagnetic coating that faces and engages the mold wall and extends across the entire surface of the barrier layer.

The Ladney patent discloses use of ferromagnetic coatings. However, the specific location of those coatings relative to the mold are not specified. In fact, the Ladney patent appears to discourage use of ferromagnetic coatings.

The Kenney patent discloses a fastener element having ferromagnetic constituents impregnating the one piece molded fastener or having magnetic attracting constituents coated on the magnetically inert constituent. However, the Kenney patent like the other cited patents, fails to disclose coating the entire face of the barrier facing the mold and the barrier being formed of a fleece to provide the secure connection with the foamed element.

Claims 13-25, being dependent upon claim 12, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the polyester of claim 13, the ferromagnetic coating rate of claim 14, the ferromagnetic coating composition of claims 15-17, and the ferromagnetic coating application methods of claims 18-25, are not anticipated or rendered obvious, particularly within the claimed combination.

None of the other cited patents cure the deficiencies noted above with respect to those discussed.

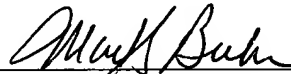
Claim 26 covers a foam element comprising a body of molded foam material and a barrier layer on one surface of the body. The barrier layer is a fleece with a ferromagnetic coating on it. The fleece is embedded into the surface of the body. The coating extends entirely across a surface of the fleece.

For the reasons noted above, none of the patents or the alleged admitted prior art cited against this application disclose or render this claimed subject matter obvious.

Claim 27, being dependent upon claim 26, is also allowable for the above reasons. Moreover, claim 27 is further distinguished by the ferromagnetic coating being on a surface of the barrier remote from the molded foam material body.

In view of the foregoing, claims 12-27 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



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